

# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

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## De la nécessité d'ajouter un peu de rigueur au débat constitutionnel

par Pierre Soulard, BCL II

L'arrivée de l'automne ramène, invariablement, deux sujets occupant une place particulière dans le cœur des Canadiens: le hockey et le débat constitutionnel. Si le premier sujet monopolise actuellement l'attention en vertu des péripéties d'un jeune adolescent torontois, le second ne compte pas s'en laisser imposer, du moins si l'on se fie aux réactions qu'ont suscitées les propositions fédérales rendues publiques il y a quinze jours.

En effet, ces offres ont semblé opérer une métamorphose dans l'attitude de certains politiciens. On n'a qu'à penser à la réaction du premier ministre Bourassa qui, il y a trois à peine, tenait absolument

à ce que le texte de l'Accord du lac Meech ne précise pas les composantes de la notion de «société distincte». Les identifier revenait à s'imposer des limites, affirmait alors le ministre Gil Rémillard. Or, par un curieux hasard, leur perception de la question apparaît avoir changé et ces messieurs semblent maintenant vouloir se contenter de trois clauses interprétatives et s'engager dans un interminable débat sur le sens du mot «notamment».

Le même raisonnement peut s'appliquer à monsieur Jacques Parizeau qui, après avoir défendu au cours des dernières années le principe de la libre circulation des biens, des services et des capitaux en Europe et le libre-échange canado-

américain, semble maintenant croire que ce type d'union risque de détruire les caisses populaires et la Caisse de dépôt et de placements du Québec. Il est tout aussi désolant de voir certains politiciens des autres provinces déclarer, durant leur passage au Québec, qu'ils favorisent le concept de la société distincte pour ensuite fonder leurs campagnes électorales sur les dangers que représente de principe.

Si les principaux acteurs du débat constitutionnel veulent vraiment nous faire croire que le Canada traverse une période cruciale de son histoire et que des choix fondamentaux doivent être faits, ils devraient peut-être commencer par

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*He died in 1989, for GMAT*

By Nan Wang, LLB II

Whenever I see an advertisement for LSAT/GMAT preparation courses, the first thing that comes to my mind is the hard work I went through that led to my admission to the Faculty of Law. But the second thing such advertisements invoke in me is more painful. I always wonder whether one could take GMAT in Hell, and be admitted to the best business school down there. I say Hell, because I

don't believe Weidong — a talented Chinese university student — went to Heaven when he died. He died in 1989 in Beijing — not for democracy in Tiananmen Square, but for his own dreams. He died for GMAT.

This is a true story. Weidong was everything an average Chinese youth could dream of: he was entering his third year of university at one of the most prestigious institutions in the country and he was

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**SMILE! SOURIEZ!!**



# ANNOUNCEMENTS / ANNONCES

**ADDITIONAL ASSISTANCE PROGRAMME** - over the summer the first-year legal research and writing programme was expanded to include an additional assistance component. This program is directed towards two groups. First, it is designed to meet the needs of first year students who feel they need additional help with the demanding curriculum of their first year in law school. The programme will emphasize research skills, case briefs, class note-taking, summarizing your notes and exam preparation and strategies (including mock exam questions as additional preparation). The second group which is targeted are students who are on academic probation. Assistance will be tailored to meet the specific needs of the individual students. If you feel you may need help in any of these areas, contact as soon as possible. The programme is being run by two exceptionally charming fourth-year students under the supervision of Professors Healy and Harvison-Young. We cannot over-emphasize the importance of getting help as early in the semester as possible. Study skills cannot be developed over the phone the night before exam! Do not hesitate to contact Robert Fabes or Jennifer Zerczy through your tutorial leader. We would be happy to answer any questions you may have about this programme.

**GRADUATION COMMITTEE** - the graduation committee has been hard at work preparing for the annual festivities. We have already booked a clown and juggler (just kidding - that idea got ve-

toed!) Watch this space for further details about upcoming grad-related events.

**PASSEPORT ETUDIANT** - do you want to save big bucks? If so, get your «passeport étudiant» at Sadie's. It's a student discount, and it will save you a lot of money with merchants across Québec.

**CANADIAN JEWISH LAW STUDENTS ASSOCIATION** - first meeting will be held on Wednesday October 9th, 12:15. Room L.B.A. The subject will be «lobby day in Ottawa», everybody is welcome.

**LE PRIX COMMEMORATIF TOM WILCOX** - the Canadian Bar Association is offering an annual prize of \$2,500 in memory of Mr. Tom Wilcox. The prize is given to a student registered full-time at a Canadian Faculty of Law who submits the best essay on Insurance Law. The length of the essay should not exceed 4,000 words. The submission date for the essays is 31 March 1992.

**1938 CHAMPIONS AWARDS** - this award of \$2 000 is given to a student who has demonstrated high academic performance and has shown leadership in the McGill University community through a significant contribution to student activities and/or organizations, including athletics. To be eligible, applicants must have been full-time students in a degree program at McGill University for 1990-

91 and must be registered at McGill for the 1991-92 academic year as full-time degree students. Successful candidates must have demonstrated high academic achievement (at least a 3.30 sessional GPA) and leadership in student or community affairs or athletics. Awards will be granted to those who best reflect the characteristics of unselfishness, service, dedication and teamwork exhibited by the members of the championship teams. Two references will be required; at least one must be from someone who can attest to the significance of the contribution(s) to student life, for example, president of an organization, team coach, chair of a committee. The deadline for application is October 4, 1991.

Anyone interested in the two above-mentioned awards should contact Associate Dean Toope for further details.

**FORUM NATIONAL** - Forum National est très honoré de recevoir Monsieur le juge Jean-Louis Baudoin le mercredi 9 octobre à 12 heures au «Moot Court». Vous êtes tous vivement invités à assister à cette conférence. M. le juge Baudoin y comparera son expérience académique en tant que professeur à l'université de Montréal avec son expérience à titre de juge à la Cour d'appel du Québec (district de Montréal). Une petite réception suivra cette conférence au «Common Room».

## COIN DES SPORTS CORNER

By your friendly sportspeople

Here are the latest Intramural sports updates:

On Mon. Sept. 23 the Men's Soccer team the Kickbackers suffered a close 1-0 loss to the Fuzzbusters. Rumour has it captain J.B. was not there to cheer on his team. L'équipe féminine de soccer, les Brewsers, n'a pas joué cette semaine. L'équipe d'Ultimate Frisbee a perdu contre Post-Marteau, une équipe de la faculté des Arts. L'équipe féminine de flag football, les Mootloops, a perdu 8-0. The Co-rec. softball team the L.L.Beanballers lost 8-4 to the Ahmeds on Tues. Sept. 24.

The LawRecs' game was rained out.

### LAW GAMES / JEUX RIDIQUES

Pour les gens qui n'ont pas acheté des billets pendant le «seat-sale» de Air Canada et Canadian pour Halifax, ne paniquez-pas. Il y a des autobus qui y vont aussi. Informations à venir dans le prochain numéro du Quid.

### MALPRACTISE CUP

Keep Saturday, October 19th open for the first annual Malpractice Cup! Events to be held all day and all night will include: Men and Women's Ultimate Frisbee; Men and Women's Soccer; Men's and Co-Rec Softball; Men and Women's

Flag Football; Men's Rugby (no experience required); the Goofy Olympics; Darts; Pool; Faculty Feud (yes, based on Merv Griffin Productions' game show) and Boat Races. Indoor events will be held in the Medical Annex (turn right at the morgue). Within the Faculty, this will be known as the «Celebrate the Superiority of the Law Faculty Day!». Emphasis is on participation and fun. Fans are welcome. The party at the Medical Annex in the evening is a «Don't Miss». \$1 per person will be collected at the party, proceeds to go to the Victor/Victrix of the most events. The Malpractice Cup will be presented at midnight. Look for more information in next weeks QUID.



## Constitution... Suite de la p.1

prendre leur rôle au sérieux. En agissant comme ils le font présentement, ils nous donnent plutôt l'impression de ne pas savoir ce qu'ils comptent vraiment aller chercher dans cette ronde de négociations et que, de toute façon, l'important n'est pas tant de rechercher une solution aux problèmes que de se faire du capital politique à tout prix.

## GMAT...

### Cont'd from p.1

president of his class, which was among the best in the Faculty of International Trade and Economics. Though he came from an average family and did not have much to spend, he did not care. He had a great ambition: to become an entrepreneur.

After the tragic events in the summer of 1989, like many other university students, Weidong began to think more about his own future. In view of his excellent academic background and the dim future in China, he concluded that his future lied in going to study in a business school in North America. He had always wanted to get an MBA degree. He began making preparations as an efficient company executive officer would: sending applications to graduate schools across North America, buying US dollars on the black market to pay for the application and examination fees, asking the professors to write letters of reference and, last but not least, preparing for GMAT.

GMAT preparation books are hard to come by in China. But Weidong couldn't be deterred. From a faculty member who had been abroad, he borrowed the 1983 edition of an original how-to book on GMAT. The loan was, however, subject to a strict, but perfectly understandable, condition: he was to keep it for only one weekend, which in China means one day. A tough decision had to be made on that very Saturday afternoon, since it was

obvious that no matter how ingenious Weidong might be, he could not possibly read through more than 500 pages of the book, let alone do all the sample tests. The only way to really make use of this valuable loan was to photocopy the book.

Unfortunately, that's where Weidong's plan, and his own life, took a wrong turn. It did not take long for a would-be MBA candidate to figure out that what he needed more than anything else was access to a photocopy machine. There were, however, no photocopy machines available to students in the libraries at Chinese universities. The only official photocopy centre, which was strictly reserved for use by the faculty for pedagogical purposes, was operated by two full-time clerks who worked from 9 to 5, Monday to Saturday, and would take their day off on Sunday. Photocopy machines were available outside the university, such as in trade corporations and government departments, where some of Weidong's acquaintances were working, and where they might have helped him photocopy something on Sunday. But that option was ruled out. For one thing, it was not just two pages of musical notes to photocopy; it was a book of more than 500 pages. Moreover, unsupervised access to photocopy machines, like that for fax machines, was inconceivable in the wake of the military suppression of the pro-democracy movement in June 1989.

But Weidong was not to be deterred. He had gone through too many troubles to go back on his plan now. Through a process of eliminating and optimizing, he finally decided to pursue what appeared to him to be the best option. As class president, he often went in and out of the Faculty Administration Office — the equivalent of SAO — to do chores for his classmates. He remembered that there was a small photocopy machine in the office for faculty use. The office administrator was a kind man, but Weidong wouldn't want to risk involving him in this adventure. He decided to sneak into the office, which was on the third floor of a three-

story building.

«Sneak» may not be an accurate word for the action. All the offices were locked after work, and it would be extremely difficult to break into. As a prospective CEO, Weidong believed in taking the fortress where it was the weakest. And in the present case, it was from the top: climbing onto the roof of the three-story building and descending into the third-floor office through the window. «Operation Photocopy» was set for 18:00 hours on that late-autumn Saturday, when it would be dark enough to hide him from any possible passers-by, but still light enough to see the bolts and hinges of the window, from which he hoped to open the way to success to Harvard School of Business.

Planning was indeed his cup of tea. Within hours, Weidong got all he needed for the operation. First, logistics: he managed to gather a couple of hundred sheets of photocopy paper; second, gears: he found a long rope, about ten-feet long, and a screw driver; he even took care to wear a pair of sneakers. So when the dusk fell, there he was on the roof. All was quiet. People were either eating dinner at home or watching TV in the lecture room. No one would take a stroll in that part of the campus at such a time. Fastening the rope on one end to a ventilation pipe popping out of the roof, he let down the rope and began to descend, holding fast to the rope. It was about six feet from the roof to the windowsill; getting down there would normally take a couple of seconds.

But anything could happen within those few seconds, especially in that unlucky year of 1989. The rope could break, or it could get loose; he might be too nervous to make sure he landed on the windowsill, or the dusk might obscure his view. Whatever the actual cause, he did not land solidly on the windowsill. Instead, he fell down.

That fall could have not been fatal. Right  
Cont'd on p.4



## Green Space: Environmentalism in the Faculty

by Debbie Johnston

Over the past few years, we have witnessed a combined effort on the part of professors, staff and students towards the development of a «greener» Faculty of Law. Although we are ahead of many faculties on campus, we need to strive for further improvement.

The Environmental Law Association (ELA) would like to encourage you to help preserve and promote an environmentally aware faculty. As one of the few environmental groups on campus, the ELA has coordinated or supported various waste management projects to be expanded this year.

At present, the Faculty has recycling facilities for cans and paper (blue boxes). The ELA is hoping to get several more boxes for recycled cans to contain the overflow in the classrooms and throughout the law buildings.

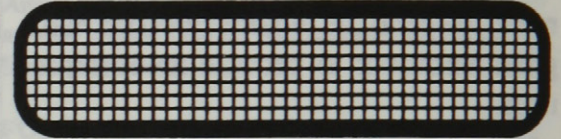
The staff and faculty implemented several measures to encourage recycling. The faculty have been provided with wooden collectors to make paper recycling more efficient. Last year, in order to avoid the use of styrofoam, they self-imposed a limit of five styrofoam coffee cups per week for the whole faculty, encouraging coffee drinkers to bring their own mugs. The bookstore now uses

50% recycled paper for casebooks.

The faculty socialites may have noticed the groovy beer/coffee mugs sold by the ELA at last Thursday's coffee house. For those who missed them, they turn red with cold liquid; there are still some left! The ELA is also hoping to implement a glass recycling program in the Faculty.

Scott's food services should soon have plastic coffee mugs available in the Faculty cafeteria. In the meantime, you can always bring your own; dishwashing facilities are available.

Recycling and being environmentally conscious is so simple; we should all take part in «environaction».



### GMAT...

#### Cont'd from p.3

below the window, along the wall of the building, were a row of fully-grown bushes, although the late autumn wind had blown off most of their leaves. Weidong fell first on the bushes, then tumbled onto the cement ground below, head down. A coroner's inquest later found that, upon impact, Weidong did not die; he was probably even conscious. Those who knew him later speculated that he was too ashamed to shout for help. When the university security patrol found him about three hours later, he had already bled to death.

The Beijing Municipal Police, not the District Police station, as was usually the case, was immediately alerted. Within minutes, a motorcade of police detectives and forensic experts were dispatched to the spot; senior police officers

were on hand, communicating with their superiors over walkie-talkies. The authorities were hypersensitive about the possible political fall-out of the death of a university student when the memories of bloody suppression in Tienanmen Square were still fresh in people's minds. A full investigation ensued. The conclusion was that it was just an accident, which was entirely the fault of the deceased.

Weidong's parents were deeply grieved, but they did not blame their son, nor did they blame the university. The boy's father made just one request of the university. He said that his son lost his life because of the GMAT book; that was the mandate of the Heaven. Since Weidong's dream did not come true in this world, the father pleaded, the son would be happy to bring with him a copy of that book to read in the underworld.

The university administration acceded, and had two photocopies of the book made at the photocopy centre. They were photocopies of the entire book, from cover to cover, each nearly a foot high, containing nearly 600 pages.

At Weidong's private funeral, there was no eulogy for a promising young man who died for GMAT. The only comfort to the family and probably to Weidong himself was the two photocopies of the 1983 edition of the GMAT in the casket, one on each side of his head.....

Now, nearly two years after the event, I still hope one could take GMAT in the other world. I am sure Weidong would do well and be admitted to the best business school there. But then, I am not quite sure that he would be happy there; after all, it was for his dream in this world that he gave his life — for GMAT.

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